



City Council Meeting Schedule January 2023

The City broadcasts City Council meetings on the City's website
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

- January 3, 2023
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING
- January 10, 2023
Tuesday, 6:30 p.m. SPECIAL COUNCIL MEETING
NEW BUSINESS
3.a. Horse Heaven Clean Energy Center Letter
- Tuesday, 6:45 p.m.* WORKSHOP MEETING (**Meeting will commence
immediately following adjournment of Special
Meeting as described above.*)
1. Stormwater Code Revisions
2. Housing and Public Facility Zoning
3. Legislative Sessions Update
- January 17, 2023
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING
- January 24, 2023
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. TRIDEC Reconveyance
2. Public Records & Open Public Meetings Act
(OPMA) Compliance

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

January 2023
Updated 01/05/22

**Council Workshop
Coversheet**



| | | | |
|--------------------|---------------------------|--------------|------------|
| Agenda Item Number | 1. | Meeting Date | 01/10/2023 |
| Agenda Item Type | Presentation | | |
| Subject | Stormwater Code Revisions | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | Public Works | | |

Info Only

Policy Review

Policy DevMnt

Other

Summary

Public Works Staff will be giving a presentation on proposed KMC amendments required to stay in compliance with the NPDES Stormwater Permit.

Through

John Cowling
Jan 04, 11:22:38 GMT-0800 2023

Attachments: Presentation

Dept Head Approval

Cary Roe
Jan 04, 13:05:56 GMT-0800 2023

City Mgr Approval

Marie Mosley
Jan 06, 08:13:57 GMT-0800 2023

Stormwater Code Updates

City Council Workshop January 10, 2022
Martin Nelson, Development Review Supervisor





National Pollution Discharge Elimination System

(Source of Requirement)

Kennewick has an NPDES Eastern Washington Phase II Municipal Stormwater Permit

- insures we meet requirements of the Federal Clean Water Act
- requires stormwater entering rivers, streams, and ground water, to be free of harmful pollutants

Major requirements:

- Public Education and Outreach
- Construction Site Stormwater Runoff Control
- Illicit Discharge and Detection Elimination
- Post Construction Stormwater Management
- Municipal Operations and Maintenance



NPDES Permit Section S5.B.3

- Implement and enforce a program designed to prevent, detect, characterize, trace, and eliminate illicit connections and illicit discharges to the City Storm System, including on private property.
- Largely covered by current KMC 14.29.
- Some additions and modifications are needed to better align City code with specific permit language.



NPDES Permit Section S5.B.3

- Modify KMC 14.28.042 & KMC 14.29.020 and add new KMC 14.28.046 to authorize access on private property to determine if there is an illicit connection, to the City's storm system or discharge to groundwater (wells).
- Modify KMC 14.29.050 (3) to add temperature and oxygen levels as a control for swimming pool discharges.



NPDES Permit Section S5.B.3

- Clarify requirements in the definition of Best Management Practice in KMC 14.29.010 (1) by pointing to NPDES permit, specific discharge permit, Stormwater Manual, City erosion control code and standard specifications.
- Add KMC 5.56.211 and KMC 14.28.046 as well as modify KMC 5.56.610, KMC 14.28.042, and KMC 14.28.045 to clarify the requirement of owners, developers and contractors as to the responsibility to design, construct and maintain the site and storm system in accordance with existing state law, the permit, and other code in support of the prohibition illicit discharges to the City storm system.
- Requires the ordinance no later than February 2, 2023.



NPDES Permit Section S5.B.4

- Permit requires an implementation and enforcement program to reduce pollutants in any stormwater runoff to the City storm system from public and private construction activities that disturb one acre or more, and from construction projects of less than one acre that are part of a larger common plan of development or sale.
- Process shall include review, inspection, and compliance meeting the NPDES Stormwater Permit.



NPDES Permit Section S5.B.4

- Multiple existing KMC's require construction erosion control including plan review, inspection and sanctions
- A new KMC 5.56.211 clarifies that construction erosion and sediment control shall meet Core Element 2 of Appendix 1 of the Eastern Washington Phase II Municipal Stormwater Permit. These requirements are mirrored in updates to KMC 5.56.610 and KMC 14.28.045



NPDES Permit Section S5.B.4

- The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and a provision for access by qualified personnel to inspect construction-phase stormwater Best Management Practices on private properties that discharge to the City storm system.
- These requirements are covered in the proposed revisions to KMC 14.28.042, KMC 14.28.046, and KMC 14.29.090



NPDES Permit Section S5.B.5

- Implement an ordinance requiring review, inspection, and compliance for post-construction stormwater controls at new development and redevelopment projects.
- Ordinance shall include Best Management Practices (BMP) selection, design, installation, operation, and maintenance standards necessary to protect water quality, reduce the discharge of pollutants to the Maximum Extent Practical, and satisfy state All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment (AKART) requirements.
- Project proponents and property owners to adhere to the minimum technical requirements in Appendix 1 of the NPDES Permit.



NPDES Permit Section S5.B.5

- The minimum technical requirements in Appendix 1 of the NPDES Permit include these Core Elements:
 1. Preparation of a Stormwater Site Plan
 2. Construction Erosion Sediment Control
 3. Source Control of Pollution
 4. Preservation of Natural Drainage Systems
 5. Runoff Treatment
 6. Flow Control
 7. Operations and Maintenance



NPDES Permit Section S5.B.5

- Current City code and standards require storm review on all commercial projects and residential developments to show that stormwater can be retained on site following the Stormwater Manual and City Standards.
- This limits flooding on adjacent property and public right of way and reduces pollution in rivers and ground water.
- Revisions to KMC 5.56.600, KMC 5.56.610, KMC 14.28.042 , and KMC 14.28.045 further clarify the post construction requirements of the City, as well as private owners and developers, by pointing to the core elements of the NPDES Permit.



NPDES Permit Section S5.B.5

- Shall specify Hydrologic method for calculating runoff volumes and flowrates for BMP sizing.
- The City currently specifies the design storm in Section 5-8 of the City of Kennewick Standards and Specifications.
- The updates to KMC 5.56.600, KMC 5.56.610, KMC 14.28.042 and KMC14.28.045 refer to the source of the requirement in the NPDES permit, clarify elements of the design storm per the stormwater manual and specify infeasibility criteria.



NPDES Permit Section S5.B.5

- The ordinance shall include provisions for both construction-phase and post-construction access for the City to inspect stormwater BMPs on private properties. The ordinance shall include appropriate, escalating enforcement procedures.
- The City currently has the right to inspect sites during construction.
- Similar to our sewer pretreatment code, the addition of KMC 14.28.046 and the modifications to KMC 14.28.042 and KMC 14.29.020 clarifies the City's ability to inspect on private sites for potential Illicit connections and illicit discharges to the public City storm system, or stop a discharge from entering the ground in our wellhead protection area.
- If needed, this allows the City to move through an escalating enforcement in our current Illicit Discharge code.



Next Steps

- City Council Adoption January 17, 2023*



Questions?



**Council Workshop
Coversheet**



| | | | |
|--------------------|-------------------------------------|--------------|---------------|
| Agenda Item Number | 2. | Meeting Date | 01/10/2023 |
| Agenda Item Type | Presentation | | |
| Subject | Housing in the Public Facility Zone | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | DCA-2022-0001 |
| Department | Planning | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input checked="" type="checkbox"/> |
| Policy Review | <input type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

The requested amendment is being proposed to provide an additional option for public agencies to consider when there is property to be declared surplus. This proposal will allow surplus property to be utilized for affordable housing that is controlled by a governmental or other public agency, such as the Kennewick Housing Authority.

The proposed amendment will require that housing developed in the PF zone comply with the standards and requirements of the Residential, High (RH) zone. This will include the Residential Multi-Family Design Standards as well as landscaping, lighting and parking requirements applicable to the RH zone. Requiring these standards will ensure that the development is compatible with surrounding properties, mitigate impacts to neighboring lesser intensity zones and aim to provide an aesthetically pleasing design.

Currently there is one instance of housing owned and operated by the Kennewick Housing Authority (KHA) in the PF zone. KHA owns and operates Keewaydin Plaza Apartments located at 6 W. 6th Ave., just to the west of the Kennewick Post Office which was built in 1980.

The proposed amendment serves to achieve Housing Goals 1 and 3. The proposed amendment also implements Policy 2 associated with Housing Goal 1 and Policies 1 and 4 associated with Housing Goal 3.

Through

Attachments:

Staff Report
Presentation

Dept Head Approval

Anthony Muai
Jan 03, 19:11:25 GMT-0800 2023

City Mgr Approval

Marie Mosley
Jan 06, 08:17:58 GMT-0800 2023



Exhibit 1 Community Planning Department

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4280
cedinfo@ci.kennewick.wa.us

STAFF REPORT DCA-2022-0001

Public Hearing Date: December 19, 2022

Proposal Summary: Allow housing in the Public Facility zone when owned and operated by a public agency. Apply the Residential, High zoning standards to housing developments in the PF zone.

Applicant: City of Kennewick

Staff Contact: Anthony Muai, Community Planning Director

Background:

The requested amendment is being proposed to provide an additional option for public agencies to consider when there is property to be declared surplus. This proposal will allow surplus property to be utilized for affordable housing that is controlled by a governmental or other public agency, such as the Kennewick Housing Authority. The proposal was routed for comments on November 16, 2022, and published in the Tri-City Herald for comment on November 20, 2022. The Washington State Department of Commerce granted expedited review of the proposal on November 30, 2022. A SEPA Threshold Determination of Non-Significance was issued for the proposal on December 8, 2022.

Proposed Amendment:

The following are the proposed amendments to Title 18. New text is shown underlined and in blue color font. Text proposed for deletion is shown struck through and in red color font.

Amend Section 18.12.010 A.1: - Residential Use Table

| Residential Use Table | RMH | RS | RL | RM | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
|---------------------------|-----|----|----|----|----|-----|-----|------|------|------|------|------|-----|------|------|------|----|----|----|----|----|-------------|----|
| Residences, multi-family | | | | I | I | | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | <u>I(2)</u> | |
| Residences, single-family | I | I | I | I | I | I | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | <u>I(2)</u> | |

Add a new footnote to Section 18.12.010 A.1: - Residential Use Table

- (2) ~~Not used.~~ Residential development is permitted in the PF zone when owned and/or operated by the Kennewick Housing Authority or other public or government agency. Residential developments in the PF zone shall meet all requirements of this title as though they were developed in the RH zone.

Staff Analysis:

The proposed amendment will allow housing, owned and operated by a public or governmental agency, in the Public Facility (PF) zone. The proposed amendment provides a way for public property that is no longer needed

for the originally planned public use to be used for an additional public purpose. This will aid in providing affordable housing to a significantly underserved region.

The proposed amendment will require that housing developed in the PF zone comply with the standards and requirements of the Residential, High (RH) zone. This will include the Residential Multi-Family Design Standards as well as landscaping, lighting and parking requirements applicable to the RH zone. Requiring these standards will ensure that the development is compatible with surrounding properties, mitigate impacts to neighboring lesser intensity zones and aim to provide an aesthetically pleasing design.

Currently there is one instance of housing owned and operated by the Kennewick Housing Authority (KHA) in the PF zone. KHA owns and operates Keewaydin Plaza Apartments located at 6 W. 6th Ave., just to the west of the Kennewick Post Office which was built in 1980.

Public Comment

One email was received from the Kennewick Housing Authority who is in favor of the proposed amendments. (see Exhibit 4)

Comprehensive Plan Land Use Goals

The following goals provide a basis to permit housing in the Public Facility zone.

- Housing Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.
 - Housing Goal 1, Policy 2: Support special needs housing within a variety of residential environments.
- Housing Goal 3: Promote affordable housing for all economic segments of the community.
 - Housing Goal 3, Policy 1: Promote affordable infill residential construction through flexibility in development techniques.
 - Housing Goal 3, Policy 4: Work with other jurisdictions and organizations, including the Kennewick Housing Authority and non-profit housing developers, to address the need for housing to be affordable to low and very low-income households.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is the City of Kennewick.
2. Notice of the proposed code revision was sent to the Washington State Department of Commerce on November 16, 2022, consistent with the requirements of RCW 36.70A.106.
3. Notice of the proposed code revision was circulated for comments on November 16, 2022 and published in the Tri-City Herald on November 20, 2022 seeking comments on the proposal.
4. The City received confirmation of starting the 60-day/Expedited review period and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on November 17, 2022.
5. The Department of Commerce granted expedited review on November 30, 2022.
6. The Notice of Public Hearing was published in the Tri City Herald on December 4, 2022.
7. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-Significance (DNS) on December 8, 2022.
8. The proposed amendment will allow housing in the Public Facility zone.

9. Housing built in the Public Facility zone will comply with all standards and requirements of the Residential, High zoning district standards.
10. Housing built in the Public Facility zone must be owned and/or operated by a public or governmental agency.
11. The proposal is consistent with the Public Facility zoning purpose in that it provides a public service to come of the most vulnerable citizens.
12. A housing development owned and operated by a public agency (Kennewick Housing Authority) in the Public Facility zone exists today as a legal non-conforming use at 6 W. 6th Ave., Kennewick, WA 99336.

Conclusions of Law:

1. The proposed amendments will not negatively affect the City of Kennewick's public health, safety, and general welfare.
2. The proposed amendments do not conflict with goals and policies of the Comprehensive Plan, but rather support Housing Goal 1; Housing Goal 1, Policy 3; Housing Goal 3; Housing Goal 3, Policy 1 and Housing Goal 3, Policy 4.
3. The proposed amendments do not conflict with other provisions of the Kennewick Municipal Code.

Staff Recommendation:

Based on the above analysis of the applicant's request and staff's proposed amendment, staff recommends the Planning Commission forward a recommendation of APPROVAL to City Council for the following motion.

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report DCA-2022-0001 and recommend to City Council approval of the request.

Exhibits:

1. Staff Report
2. Proposed Amendments
3. Environmental Determination of Non-significance
4. Parties of Record Comments

18.12.010 A.1: Residential Use Table.

The following table lists uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit, Review Process III = Temporary Homeless Encampment Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted:

| Residential Use Table | RMH | RS | RL | RM | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
|------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Accessory Dwelling Units (See Title 18.12.020) | I | I | I | I | I | | I | | | I | | | | | | I | | | | | | | |
| Accessory uses and structures | I | I | I | I | I | I | I | I | I | I | I | I | | I | I | I | I | I | I | I | I | I | I |
| Animal Keeping (See Title 18.12.040) | I | I | I | I | I | I | | | | | | | | | | I | | | | | | | |
| Bed and breakfast inns (5 guest rooms or less) | I | I | I | I | I | | I | | | II | | | | | | I | | | | | | | |
| Churches or religious places of worship | II | | I | | I | I | | I | I | II | | | | | | | |
| Day Care Centers (See Section 18.12.060) | | | | II | I | | I | I | I | | I | I | | I | | I | I | I | I | I | | I | I |
| Family Day Care Home (see Section 18.12.070 and footnotes) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) |

| Residential Use Table | RMH | RS | RL | RM | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
|--------------------------------------------------------------------|-----|----|----|----|----|-----|-----|----|----|-----|----|----|-----|----|----|-----|----|----|----|----|----|------|----|
| Farm Animals (see footnote 9) | | I | | | | | | | | | | | | | | | | | | | | | |
| Group Living I (See footnote 5) | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | | | | | I(2) | |
| Group Living II (See footnote 6) | | | | I | I | | | | I | | I | I | | | | I | | | | | | I(2) | |
| Home occupation | I | I | I | I | I | I | I | I | I | I | I | I | | I | I | I | | | | | | | |
| Mini-Day Care Center (Located in Family Abode - Section 18.12.060) | II | II | II | I | I | II | I | I | I | I | I | I | | I | I | I | I | I | I | I | I | I | I |
| Mini-Day Care Center (Not located in Family Abode - See 18.12.060) | | | | I | I | | I | I | I | | I | I | | I | I | I | I | | | | | I | I |
| Mini Storage (See 18.12.130) | | | | | I | | | | | | I | I | | I | | | | | I | I | | | |
| Motels (See Title 18.12.140) | | | | | II | | | | | I | I | I | | I | I | | | | | | | | |
| Nursing homes and congregate care facilities (over 10 residents) | | | | II | II | | | | I | | I | I | | I | | | | | | | | | |
| Nursing homes and congregate care facilities | II | II | II | II | II | | I | | I | | I | I | | I | | I | | | | | | | |

| Residential Use Table | RMH | RS | RL | RM | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
|------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|------|-----|------|------|------|-----|-----|-----|-----|-----|------|-----|
| (up to 10 residents) | | | | | | | | | | | | | | | | | | | | | | | |
| Recreational vehicle park, transient (up to 30-day stay) (See Title 18.12.170, 180) (see also, footnote 7) | | | | | | | | | | | | | | | | | | | | | | I | I |
| Residences, multi-family | | | | I | I | | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | I(2) | |
| Residences, single-family | I | I | I | I | I | I | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | I(2) | |
| Rooming Houses and Boardinghouses (See Title 18.12.190) | | | | II | II | | I | | | | | | | | | | | | | | | | |
| Swimming Pools (See Title 18.12.240) (see footnote 10) | | | | | | | I | | | | | | | | | | | | | | | I | I |
| Temporary Homeless Encampments (See Title 18.12.255) | III | III | III | III | III | III | III | III | III | III | III | III | III | III | III | III |
| Trailers, Boats, Camper Tops, Travel Trailers, Recreational | I | I | I | I | I | | | | | | | | | | | | | | | | | | |

| Residential Use Table | RMH | RS | RL | RM | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS | |
|--------------------------------|-----|----|----|----|----|-----|-----|----|----|-----|----|----|-----|----|----|-----|----|----|----|----|----|----|----|--|
| Vehicles (See Title 18.12.260) | | | | | | | | | | | | | | | | | | | | | | | | |

FOOTNOTES for Table 18.12.010 A-1 Residential Use Table:

- (1) No permit required for a family day care home (up to six charges). Per 18.12.070, if alterations are made a building permit will be required. A state license and city business license is required.
- (2) ~~Not used.~~ [Residential development is permitted in the PF zone when the finished product will be owned and/or operated by the Kennewick Housing Authority or other public or governmental agency. Residential developments in the PF zone shall meet all requirements of this title as though it were developed in the RH zone.](#)
- (3) Not used.
- (4) Not used.
- (5) Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.
- (6) Residential Care Centers are permitted outright, subject to all of the applicable provisions of this title.
- (7) Recreational vehicle storage in R districts shall refer to Title 18.12.180 and shall be subject to special provisions applicable to Master Planned subdivisions.
- (8) Subject to KMC 18.42.[140](#) and KMC 18.78.
- (9) In "RS" zones, agriculture and animal husbandry are permitted including keeping of farm animals such as horses, cows, and sheep, but maintained only on lots of at least 30,000 square feet. The keeping of farm animals must not exceed one animal per half acre.
- (10) Swimming pools considered an accessory use.

(Ord. 5748 Sec. 1, 2018; Ord. 5729 Sec. 1, 2017 ; Ord. 5712 Sec. 1, 2017 ; Ord. 5558 Sec. 2, 2014; Ord. 5528 Sec. 2, 2013; Ord. 5462 Sec. 3, 2012; Ord. 5434 Sec. 4, 2012; Ord. 5309 Sec. 8, 2010; Ord. 5262 Sec. 2, 2009; Ord. 5204 Sec. 5, 2007; Ord. 5180 Sec. 1, 2007)



Community Planning Department

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4280
cedinfo@ci.kennewick.wa.us

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 2022-0045/DCA-2022-0001

DESCRIPTION OF PROPOSAL: To allow housing in the Public Facility zone when owned and/or operated by a public agency.

PROPONENT: City of Kennewick

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: N/A

LEAD AGENCY: City of Kennewick

DETERMINATION: The City of Kennewick has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request. Application for other required permits may require further review under SEPA procedures.

- X There is no comment period for this DNS.
This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by ... After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Anthony Muai, AICP
POSITION/TITLE: Community Planning Director
ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336
PHONE: (509) 585-4386

Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

- X No conditions.
See attached condition(s).

Date: December 8, 2022 Signature: [Handwritten Signature]

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to: Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
Parties of Record

From: [Lona Hammer](#)
To: [Anthony Muai](#)
Subject: Comments on proposed zoning amendment
Date: Monday, December 5, 2022 10:41:05 AM
Importance: High

Good morning:

As per your legal notice in the Tri-City Herald on Sunday, December 4, 2022, I would like to express support for the proposed zoning amendment to allow housing to be a permitted use in the Public Facility zone when owned and/or operated by KHA or other public agencies and that the standards applicable to the Residential, High Zone be applicable to said developments.

The provision of additional affordable housing opportunities in our community is a critical need. Currently, the vacancy rate in our community is very, very low and combined with high and ever rising rents, affordable housing availability and affordability is even lower. Many families, even when they have a housing voucher, cannot find housing that is priced within their affordability range. The market will continue to tighten as our community brings new businesses to our cities. New businesses sometimes bring new residents to our communities and typically new businesses need housing at all levels of affordability for their work force. Building affordable housing in our community benefits everyone.

Private developers who wish to build modest housing that is affordable for most families, find that sometimes the “numbers don’t work” and that setting a rent that is affordable for voucher holders and other modest income families can sometimes not produce enough revenue to support the development and these developers are sent back to the “drawing board” to figure out how to increase rents so that the project is self-sustainable. Public non-profit developers who use public funds typically use financing offered by the Department of Commerce and the Washington State Housing Finance Commission and other local, state, and federal resources, but those programs typically have a longer lead time than conventional financing through a bank or other financial institution as most public funders typically have one funding cycle per year or per every two years. Encouraging innovative partnerships and strategies to enhance and incentivize housing development for modest income families is paramount in our community.

The City’s proposed zoning change is a potential game change for our community and KHA applauds the City of Kennewick for proposing this change and support the City’s innovative approach to our communities affordable housing needs.

Lona Hammer, PHM
Executive Director
Kennewick Housing Authority
1915 West 4th Place
Kennewick, WA 99336
509-586-8576 ext. 103

Housing in Public Facility Zones

City Council Workshop
January 10, 2023



Summary of Proposal

- * Allow housing in the Public Facility zone when owned and/or operated by a governmental or other public agency.
- * Apply Residential, High (RH) standards to housing developed in the Public Facility zone.
- * Provide additional option for public entities when disposing of surplus property.
- * Provide opportunity for affordable housing.

Proposed Amendment

KMC 18.12.010 A.1: - Residential Use Table

| Residential Use Table | RMH | RS | RL | RMI | RH | RTP | UMU | CN | CO | CBD | CC | CR | CAR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
|---------------------------|-----|----|----|-----|----|-----|-----|------|------|------|------|------|-----|------|------|------|----|----|----|----|----|------|----|
| Residences, multi-family | | | | I | I | | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | I(2) | |
| Residences, single-family | I | I | I | I | I | I | I | I(8) | I(8) | I(8) | I(8) | I(8) | | I(8) | I(8) | I(8) | | | | | | I(2) | |

Footnote to Section 18.12.010 A.1: - Residential Use Table

(2) ~~Not used.~~ Residential development is permitted in the PF zone when owned and/or operated by the Kennewick Housing Authority or other public or government agency. Residential developments in the PF zone shall meet all requirements of this title as though they were developed in the RH zone.

Comprehensive Plan Goals & Policies

- * **Housing Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.**
 - * Housing Goal 1, Policy 2: Support special needs housing within a variety of residential environments.

- * **Housing Goal 3: Promote affordable housing for all economic segments of the community.**
 - * Housing Goal 3, Policy 1: Promote affordable infill residential construction through flexibility in development techniques.
 - * Housing Goal 3, Policy 4: Work with other jurisdictions and organizations, including the Kennewick Housing Authority and non-profit housing developers, to address the need for housing to be affordable to low and very low-income households.

Public Hearing Summary

- * No speakers in support or opposition
- * Kennewick Housing Authority submitted email in support of proposal.
 - * Was in attendance virtually, but did not speak

Planning Commission Recommendation

- * The Planning Commission voted unanimously to concur with the findings and conclusions in the staff report and recommend approval to City Council.

Questions?



Council Workshop Coversheet



| | | | |
|--------------------|---------------------------|--------------|------------|
| Agenda Item Number | 3. | Meeting Date | 01/10/2023 |
| Agenda Item Type | Reports/Plans | | |
| Subject | State Legislative Session | | |
| Ordinance/Reso # | | Contract # | |
| Project # | | Permit # | |
| Department | City Manager | | |

| | |
|---------------|-------------------------------------|
| Info Only | <input type="checkbox"/> |
| Policy Review | <input checked="" type="checkbox"/> |
| Policy DevMnt | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Summary

During the workshop on December 13th, Council reviewed the City's legislative priorities and discussed these priorities with our State legislators. Subsequently on December 20th, Council adopted the legislative priorities as attached. The 2023 legislative session will begin on January 9th. There are a couple of upcoming opportunities to interact with our legislators to discuss our legislative priorities.

January 26th & 27th will be the Tri-Cities Day at the Capitol. This will be an opportunity to collaborate with the Tri-Cities Legislative Council, through the Regional Chamber of Commerce, to travel to Olympia and raise awareness of key issues that impact the Tri-Cities and our businesses.

February 15th & 16th will be City Action Days in conjunction with the Association of Washington Cities (AWC). This is an opportunity to engage legislators and become involved in the legislative process. It is also an opportunity to interact with city colleagues and collectively educate statewide decision makers about city legislative priorities. These two days will provide informative sessions, networking opportunities and a day of focused capitol campus meetings.

In an effort to discuss our priorities with as many legislators as possible, the City has in the past scheduled meetings with legislators for councilmembers who are interested in attending either of these opportunities. City staff can provide councilmembers with a schedule of meetings and the talking points for preparation to discuss our priorities.

Through

Attachments:

Priorities Presentation

Dept Head Approval

City Mgr Approval

Marie Mosley
Jan 06, 07:25:20 GMT-0800 2023

2023



Legislative Priorities

City of Kennewick Government

Overall Strategy

Kennewick supports legislation that is in alignment with the City Council strategic goals and priorities and protects the City's ability to provide exceptional services to our businesses and citizens. Kennewick believes the decisions are most effective when made at the local level and therefore opposes legislation that preempts authority or discretion vested in local governments or would impose unfunded mandates upon the City. Kennewick seeks to work with the legislature to strengthen local partnerships.

Ensure Basic Infrastructure Funding

The City supports funding for critical local infrastructure projects by returning the diverted revenue streams that would fully fund the Public Works Assistance Account. The City further supports flexible state and federal dollars to support critical regional public safety infrastructure.

Economic Development

The City supports economic development incentives and flexible funding. The State does not allow for many incentives or tax increment financing type of funding. The City continues to support flexible, creative solutions to work with our developer partners to encourage growth and create family wage jobs. The City of Kennewick supports new tools, incentives, and changes to mandates to help increase housing supply and affordability. The city also supports a legislative fix for Irrigation District election fairness.

Public Safety Priorities

Kennewick supports clarification around the crime of possessing control substance stemming from the Blake decision as well as vehicle pursuits. The City's highest priorities are: allow vehicle pursuits when there is reasonable suspicion that public safety risks for failure to apprehend are greater than the risk of pursuit; support better funding for State Toxicology Lab to provide for timely prosecution of cases; support funding for Eastern State Hospital to reduce delays in competency evaluations; and legislation that would fix issues related to juvenile questioning during criminal investigations. The City also opposes continued legalization of possession and use of narcotics and illegal substances and supports additional funding for the basic law enforcement academy.

Transportation & Infrastructure Funding

The City of Kennewick has several critical infrastructure projects that require funding in order to maintain existing service levels and continue to prepare for future growth. Examples of these projects are:

- Wastewater and Water Treatment Plants
- Automated Metering Infrastructure
- Pavement Preservation
- Zone 3 Transmission Main
- CCB Corridor Widening (Deschutes to Quinault)
- Workforce Housing Project
- Extension of Utilities to Industrial Development
- At Grade Crossing Improvements (Rail Traffic)
- Regional Traffic Impacts on US 395 Corridor

These are some projects to provide connectivity, traffic flow, automation and prepare for growth of our plants. In addition, through a partnership with the Housing Authority, we have been preparing some City-owned land to surplus and use for workforce housing partnership project with the Kennewick Housing Authority.

Revenue Flexibility

The City supports revenue flexibility by: maintaining our existing revenue options, providing more flexibility with local revenue options, and refraining from imposing unfunded programs or mandates on local governments. The City further supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities.

Growth Management Act (GMA) Reform & Land Use

Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding. The City is against preemption of local land use authority.

Regional Behavioral Health Recovery Center

The City supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services. The County anticipates design completion by mid-2023 with estimated construction costs of over \$13M. A partnership with the State on the next phase of the project is critical to its timely completion. The County anticipates requesting funding for construction of the Center in the 2023 capital budget.

2023



Legislative Priorities

City of Kennewick Government

Public Safety Priorities

The City of Kennewick supports clarification around the crime of possessing control substance stemming from the Blake decision as well as vehicle pursuits.

The City of Kennewick supports funding for regional law enforcement academies.

Infrastructure and Economic Development

The City of Kennewick supports funding for critical local infrastructure projects including returning the diverted revenue streams that would fully fund the Public Works Assistance Account.

The City of Kennewick supports flexible state and federal dollars to help finance basic infrastructure.

The City of Kennewick supports economic development incentives and flexible funding.

The City of Kennewick supports funding for critical regional public safety infrastructure.

The City of Kennewick supports new tools, incentives, and changes to mandates to help increase housing supply and affordability.

The City of Kennewick supports a legislative fix for Irrigation District election fairness.

General Governmental

The City of Kennewick opposes funding a PERS I COLA program with contributions from employers

The City of Kennewick supports legislation to clarify exempt employee status for large employers (> 51 employees), which currently requires employers to pay 2 times the minimum wage to be exempt

The City of Kennewick supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities

Local Decision Making

The City of Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding.

The City of Kennewick opposes preemption of local land use authority

The City of Kennewick opposes extended State emergency powers without appropriate input and oversight.

The City of Kennewick supports amendments to PFMLA to allow cities the ability to appropriately track uses of this State resource to more effectively coordinate benefits

Regional Behavioral Health Recovery Center & Crisis Response

The City of Kennewick supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services

The City of Kennewick supports greater access to community-based behavioral health services to include substance use disorder treatment and state funding to help communities establish alternative response programs



CITY OF KENNEWICK

Legislative Priorities

2023

OVERALL STRATEGY

Kennewick supports legislation that is in alignment with the City Council strategic goals and priorities and protects the Cities ability to provide exceptional services to our businesses and citizens.

Kennewick believes the decisions are most effective when made at the **local level** and therefore opposes legislation that preempts authority or discretion vested in local governments or would impose unfunded mandates upon the City.

Kennewick seeks to work with the legislature to **strengthen local partnership** and protect revenue sources, provide new revenue options and provide flexibility in use of existing revenues for the City.





ENSURE BASIC INFRASTRUCTURE FUNDING

The City supports funding for critical local infrastructure projects by returning the diverted revenue streams that would fully fund the Public Works Assistance Account. The City further supports flexible state and federal dollars to help finance basic infrastructure.

The region has significant public safety infrastructure needs required to provide effective police and fire dispatch operations that will help to ensure the **safety and security** of our public safety personnel. The City supports state and federal dollars to fund these critical needs.



ECONOMIC DEVELOPMENT

The City supports economic development incentives and **flexible funding**. The State does not allow for many incentives or tax increment financing type of funding. The City continues to support flexible, creative solutions to work with our developer partners to encourage growth and create **family wage jobs**.

The City supports a proactive approach that creates new tools, incentives, and revenues that cities can use to help increase housing supply and **address affordability**. The City opposes State mandates that increase housing & development costs (ie: energy code requirements).



PUBLIC SAFETY PRIORITIES

Kennewick supports clarification around the crime of possessing control substance stemming from the Blake decision as well as vehicle pursuits.

Specifically the clarification that are of the highest priority:

- Allow pursuits when there is reasonable suspicion that public safety risks for failure to apprehend are greater than the risk of pursuit
- Oppose continued legalization of possession and use of narcotics and illegal substances
- Better funding for State Toxicology Lab for DUI blood sample testing to provide for timely prosecution of cases
- Better funding for Eastern State Hospital to reduce the delays in competency evaluations
- Fix issues related to juvenile questioning during criminal investigations

The City supports funding for **regional law enforcement academies**

TRANSPORTATION & INFRASTRUCTURE FUNDING

The City of Kennewick has several critical infrastructure projects that require funding in order to maintain existing service levels and continue to prepare for future growth.

Examples of these projects are:

- Wastewater & Water Treatment Plants
- Automated Metering Infrastructure
- Pavement Preservation
- Zone 3 Water Transmission Main
- CCB Widening (Deschutes to Quinault)
- Workforce Housing Project
- Extend Utilities to Industrial Development Area
- At Grade Crossing Improvements (Rail Traffic through City)
- Regional Traffic Impacts on US 395 Corridor

These are some projects to provide **connectivity, traffic flow, automation** and prepare for growth of our plants. In addition, through a partnership with the Housing Authority, we are preparing City-owned land to surplus and use for **workforce housing partnership** project with Kennewick Housing Authority



REVENUE FLEXIBILITY & UNFUNDED MANDATES

The City supports revenue flexibility by:

- Maintaining our existing revenue options,
 - Providing more flexibility with local revenue options
 - Refraining from imposing unfunded programs or mandates on local governments.
- The City further supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can **adjust the local property tax rate** to better serve our community needs and priorities.
 - The City opposes funding a PERS I COLA program with contributions from employers.
 - The City supports legislation to **clarify exempt employee status** for large employers (> 51 employees), which currently requires employers to pay 2 times the minimum wage to be exempt.
 - *Due to I-1433, the threshold for exempt status is currently \$65,478 as compared to \$39,395 in 2016.*



LOCAL DECISION MAKING AUTHORITY

- Kennewick believes the decisions are most effective when made at the local level and opposes legislation that preempts that authority.
- Kennewick supports **engagement in GMA reform** conversation and secure dedicated planning funding.
- The City is against preemption of local land use authority.
- Kennewick opposes extended State emergency powers without appropriate input, oversight and parameters.
- Kennewick supports amendments to PFMLA to allow cities the ability to appropriately track uses of this State resource to more **effectively coordinate benefits**.
- Address **public records inefficiencies** on local government
- Support legislative fix for irrigation district election fairness





REGIONAL BEHAVIOR HEALTH RECOVERY CENTER & CRISIS RESPONSE

The City supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a **full continuum of behavioral health services**.

The County anticipates design completion by mid-2023 with estimated construction costs of over \$13M. A partnership with the State on the next phase of the project is critical to its timely completion.

The City further supports greater access to community-based behavioral health services to include substance use disorder treatment and state funding to help communities establish alternative response programs like co-responder programs and other options **beyond law enforcement response** for behavior health issues.



THANK YOU!



City Council Meeting Schedule February 2023

The City broadcasts City Council meetings on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

February 7, 2023

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 14, 2023

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Council Ethics Policy
2. CourseCo & Columbia Park Tri-Plex Update

February 21, 2023

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 28, 2023

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Economic Development Strategic Plan
2. Home ARP Allocation Plan

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

February 2023
Updated 01/04/22